

### **Remarks**

Favorable consideration of the application is respectfully requested. Claims 1-20, prior to this paper, were pending in the present application. By this paper, claims 11-19 are canceled.

### **Information Disclosure Statement**

The Examiner has listed in the PTO-892 form, co-pending applications of similar disclosure by the applicant of the present application. Namely, US-2003/0013253 and US-2003/0151080. It was an oversight by the Agent for the Applicant for failure to bring these applications to the Examiner's attention. The oversight was unintentional with no intent to deceive the Examiner. In the preliminary amendment submitted with the with the request for continued examination under 37 CFR 1.114 for the above captioned case, art cited from a copending application (namely, U.S Patent Application No. 09/905,517, also U.S. Publication 2003-0013253 and now U.S. Patent No. 6,706,594 B2, issued March 16, 2004), by the same applicant was submitted for the Examiner's consideration. The Agent for the Applicant apologizes for the unintentional failure to properly cite copending applications and now published applications US-2003/0013253 and US-2003/0151080 (and in particular US-2003/0013253) that the Examiner has cited in the PTO-892 form.

### **Double Patenting**

Claims 1-10 and 20, prior to this paper, were provisionally rejected under the judicially created doctrine of double patenting over claims 1-10 of copending Application No. 09/905,517 (U.S. Pub. 2003/0013253).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) is submitted herewith to overcome the provisional rejection based on a nonstatutory double patenting rejection as the conflicting application or patent is shown to be commonly owned with this application.

### Conclusion

Applicant submits that the application is in condition for allowance. Such allowance at an early date is respectfully requested.

To that end, if the Examiner feels that a conference will expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned.

Respectfully submitted,

A handwritten signature in cursive script that reads "David J. Paul".

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